

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STEVEN G. MILLETT, MELODY J. MILLETT,)	
On Behalf of Themselves and All Others)	
Similarly Situated,)	
Plaintiffs,)	
)	Case No. 05-599-SLR
v.)	
)	
TRUELINK, INC.,)	
A Trans Union Company,)	
)	
Defendant.)	

APPENDIX OF EXHIBITS

IN SUPPORT OF

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

**MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY
JUDGMENT**

AND

**PLAINTIFFS' REPLY TO DEFENDANT'S ANSWERING BRIEF IN OPPOSITION TO
MOTION FOR CLASS CONSIDERATION**

ERISMAN & CURTIN

/s/ Christopher J. Curtin

Christopher J. Curtin
DE Bar Id. No. 0226
Erisman & Curtin
629 Mount Lebanon road
Wilmington, Delaware 19803
Phone: (302) 478-5577
Facsimile: (302) 478-5494
Email: ccurtin659@aol.com

DATE: October 1, 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STEVEN G. MILLETT, MELODY J. MILLETT,)	
On Behalf of Themselves and All Others)	
Similarly Situated,)	
Plaintiffs,)	
)	Case No. 05-599-SLR
v.)	
)	
TRUELINK, INC.,)	
A Trans Union Company,)	
)	
Defendant.)	

APPENDIX
("App. Ex.")

IN SUPPORT OF

**MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY
JUDGMENT**

**PLAINTIFFS' REPLY TO DEFENDANT'S ANSWERING BRIEF IN OPPOSITION TO
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

APP. EX. A – YEAGER AFFIDAVIT – Confidential and filed under seal, Doc. 150

APP EX. B – CURRENT ADVERTISEMENTS, EXPERIAN AND TRUELINK

APP. EX. C – DEPOSITION OF DUNI – Confidential and filed under seal, Doc. 150

APP. EX. D - DEPOSITION OF ANDERSON – Confidential and filed under seal, Doc. 150

APP. EX. E – DEPOSITION OF MATIS – Confidential and filed under seal, Doc. 150

**APP. EX. F – DEFENDANT'S DOCUMENT PRODUCTION – TRAINING (FAMILY) –
Confidential and filed under seal, Doc. 150**

**APP. EX. G - DEPOSITION OF STEVEN MILLETT –
Millett V. TrueLink; Millett v. Ford Motor Credit**

**APP. EX. H – DEFENDANT'S DOCUMENT PRODUCTION - TRAINING (SSN
IDENTIFIER) – Confidential and filed under seal, Doc. 150**

**APP. EX. I – DEFENDANT'S DOCUMENT PRODUCTION - SPREADSHEET LOG OF
ACTIVITY – Confidential and filed under seal, Doc. 150**

APP. EX. J – MELODY MILLETT AFFIDAVIT – Confidential and filed under seal, Doc. 150

APP. EX. K – DEPOSITION OF DANAHER – Confidential and filed under seal, Doc. 150

APP. EX. L – DEFENDANT’S DOCUMENT PRODUCTION – TRAINING (DEFINITIONS) – Confidential and filed under seal, Doc. 150

APP. EX. M – DEFENDANT’S DOCUMENT PRODUCTION – TRAINING (BUG LOGS/FAILURES) – Confidential and filed under seal, Doc. 150

APP. EX. N – DEFENDANT’S DOCUMENT PRODUCTION – SCORE ADVERTISING – Confidential and filed under seal, Doc. 150

APP. EX. O - DEFENDANTS’ DOCUMENT PRODUCTION - COREFAIL – Confidential and filed under seal, Doc. 150

APP. EX. P – DOCUMENT COMPILATION OF SUBPOENAED INFORMATION – MONOGRAM BANK OF GEORGIA/PENNEYS/SEARS/CITIBANK/HOME DEPOT/LEXIS SEARCH FOR SOCIAL SECURITY NUMBER SHOWING JUDGMENT

APP. EX Q – INDEX, “METRO II” – INDUSTRY REPORTING

APP. EX. R – DEFENDANT’S DOCUMENT PRODUCTION – LISTS OF ACTIVITY – MILLETT ACCOUNTS – Confidential and filed under seal, Doc. 150

APP. EX. S – ELECTRONIC COMMUNICATIONS FROM DEFENDANT TO PLAINTIFFS – Confidential and filed under seal, Doc. 150

APP. EX. T – WAIVER OF SUMMONS OF COUNSEL OF TRANS UNION

APP. EX. U – DEFENDANT’S DOCUMENT PRODUCTION – FINANCIAL REPORT – Confidential and filed under seal, Doc. 150

APP. EX. V – DEFENDANT’S DOCUMENT PRODUCTION – ADVERTISING/MARKETING – Confidential and filed under seal, Doc. 150

APP. EX. W – TABULATION, CONSUMER SURVEY

APP. EX. X – COMPILATION OF DOCUMENTS FOR PROMISEMARK – PRESS REPORT, DEFENDANTS’ DOCUMENT PRODUCTION OF LIST OF SERVICES – Confidential and filed under seal, Doc. 150

APP. EX. Y – DEFENDANT’S DOCUMENT PRODUCTION – SCORING ADVERTISEMENTS/INTERNAL ELECTRONIC MAIL ON SCORING PROGRAM – Confidential and filed under seal, Doc. 150

Print date and time

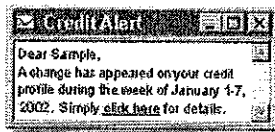
Thursday, September 27, 2007
12:55 PM

Online Personal Credit Reports & Credit Scores - TrueCredit

Page 1 of 1

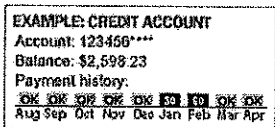
truecredit
by TransUnion.Manage your credit. Manage your life.SM[home](#) | [privacy](#) | [learn](#) | [help](#) | [login](#)

Your Credit Monitoring service includes...



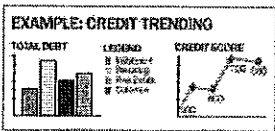
Credit Alerts Within 24 Hours of Critical Changes

- 24 hour notification of critical changes to your credit report
- Swiftly find out about credit report changes including fraudulent activity, new inquiries, new accounts, late payments, & more



Unlimited Access to Your Credit Report

- Receive a brand new credit report anytime you want
- Reports are easy-to-read with color graphics and free interactive guide



Powerful Tools and Analysis

- Graphical trending helps you manage your progress
- View colorful charts and graphs on changes in your debt, income, credit score, and more

PLUS up to \$25,000 ID theft insurance* at no additional cost!

*Coverage not available for residents of New York.

[home](#) | [learning center](#) | [privacy](#) | [help](#) | [member login](#) | [terms of use](#) | [about](#) | [sitemap](#)

TrueCredit features TransUnion data for all complimentary credit scores as well as fraud watch emails. TrueCredit.com is powered by TransUnion Interactive, a wholly owned subsidiary of TransUnion.

© Copyright 1998-2007 TrueCredit. All Rights Reserved.

<http://www.truecredit.com/popup/cmu/example.jsp>

9/27/2007

Expert

2

Home | About Us | Advertise | Contact Us | Privacy Policy

EXPERIAN

CALCULATORS

CREDIT ADVICE

CREDIT REPORT & SCORE

CREDIT MANAGER

JOIN NOW! | SEE A DEMO

Comprehensive credit management service brought to you by real credit experts

Sign up now for a FREE 30 day trial membership.

Learn how Credit Manager gives you control

Guard against fraud and identity theft

Credit Manager gives you peace of mind by scanning your credit report daily and alerting you to potential fraudulent items and other critical changes in your credit report.

- Receive notification of new inquiries, bankcard accounts, delinquencies and public record items
- Get daily notification via e-mail
- See a snapshot of these notices on a personalized page designed just for you

Get the best things in life

Lenders frequently use your credit score to determine your credit worthiness. Credit Manager gives you the power to see your Experian credit score as often as you like.

- See your score—updated daily
- Use our tool to track it over time
- Try our score simulator to show how different factors affect your score

Take control of your credit health

Work directly with the source to catch credit inaccuracies quickly and easily. Have access to an updated credit report every day.

- Work directly with Experian to quickly correct errors
- Secure, quick online access for reports and disputes
- No third party involvement

[Get Credit Manager now!](#)

View the
Credit
Manager
demo!

Go back to start
the demo.

Try Credit
Manager
Online!

Online access to
your credit report

Daily alerts of
potential fraud

Exclusive
Experian score,
analysis and tools

Access to live
credit experts

Home / Site Overview / About our security / Privacy statement
Contact us / About CreditExpert / Affiliate program / Newsletter sign up
©2003 CreditExpert, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

STEVEN G. MILLETT,

MELODY J. MILLETT,

On Behalf of Themselves and

All Others Similarly Situated,

Plaintiffs,

vs.

C.A. No. 05-599-SLR

TRUELINK, INC.,

Class Action

a Trans Union Company,

Jury Trial Demanded

Defendant.

VIDEOTAPED DEPOSITION OF STEVEN G.

MILLETT, a Plaintiff, taken on behalf of the
Defendant before Nissa M. Sharp, CSR, CCR #528,
pursuant to Notice on the 30th of March, 2007,
at the offices of THE CLOON LAW FIRM, 11350
Tomahawk Creek Parkway, Suite 100, Leawood,
Kansas.

APPEARANCES

Appearing for the Plaintiffs was

MR. BRYSON R. CLOON of THE CLOON LAW FIRM, 11150
Overbrook Road, Suite 350, Leawood, Kansas
66211.

Also appearing for the Plaintiffs was

MR. BARRY R. GRISSOM, 7270 West 98th Terrace,
Building 7, Suite 220, Overland Park, Kansas
66212.

Appearing for the Defendant was

MR. MICHAEL O'NEIL of DLA PIPER US, LLP, 203
North LaSalle Street, Suite 1900, Chicago,
Illinois 60601-1293.

Also present was Heather Schuman of DLA
Piper.

INDEX

WITNESS:

PAGE:

STEVEN G. MILLETT

Examination by Mr. O'Neil

4

1	EXHIBITS:	MARKED:	IDENTIFIED:
2	Millett Exhibit 1	55	55
3	Millett Exhibit 2	72	72
4	Millett Exhibit 3	86	87
5	Millett Exhibit 4	96	96
6	Millett Exhibit 5	106	106
7	Millett Exhibit 6	130	135
8	Millett Exhibit 7	144	144
9	Millett Exhibit 8	166	167

10

11 (Original Millett Exhibits 1 through 8
12 were filed with the original transcript.)

13

14 (The deposition commenced at 8:59 AM.)

15

16

17

18

19

20

21

22

23

24

25

1 credit.

2 Q. You talked this morning about some
3 expectation you had about this product. Was it
4 your decision to buy the product from Trans
5 Union?

6 A. It was my wife's -- I mean, we agreed
7 on it. My wife said this would help us out. I
8 said okay, go ahead and buy it.

9 Q. And what did your wife tell you in that
10 conversation as to why she thought you should
11 buy the product?

12 A. Could you repeat the question, I'm
13 sorry?

14 Q. Sure. I think you told me that your
15 wife suggested that you buy the product and you
16 agreed, right?

17 A. Right.

18 Q. Okay. What did she say to you, if
19 anything, besides, Steven, we should buy this
20 product?

21 A. She said we should buy this, this would
22 help us out.

23 Q. Did she explain to you how she thought
24 it would help you out?

25 A. No. But that's where I thought it

1 would help us out finding information about the
2 other party.

3 Q. What else --

4 A. I guess that was my own expectation.

5 Q. So, you had a conversation with your
6 wife and she says, Steven, we should buy this
7 product from Trans Union, right?

8 A. Correct.

9 Q. And she told you that -- and maybe I
10 misheard you -- but she told you that she
11 thought it would help you out?

12 A. Right.

13 Q. Okay. What else do you recall about
14 that conversation?

15 A. That's basically it.

16 Q. Okay. Did you agree with her that it
17 would help you out?

18 A. Yeah, I told her go ahead and buy it.

19 Q. And how -- did you tell her anything
20 else in this conversation when you told her to
21 go ahead and buy the product?

22 A. No.

23 Q. Okay. So you just described the entire
24 conversation that you had with your wife before
25 you decided to buy the credit monitoring product

1 from Trans Union, right?

2 A. Yes, sir.

3 Q. At the time, had you or your wife
4 purchased a credit monitoring product from any
5 other company, at the time that you decided to
6 buy it from Trans Union?

7 A. You'll have to ask my wife that. I
8 don't recall.

9 Q. Do you think your wife would recall?

10 A. You'd have to ask her that.

11 Q. Have you ever asked her?

12 A. No.

13 Q. And you haven't talked to your wife --
14 strike that.

15 Prior to your deposition today, did you
16 talk to your wife about the facts of the lawsuit
17 in order to prepare for your deposition today?

18 A. Just in general terms, I mean.

19 Q. Describe to me that conversation.

20 A. Well, I was just asking her about when
21 stuff happened.

22 Q. And did she tell you?

23 A. Yeah.

24 Q. What stuff were you asking her about
25 when it happened?

1 Trans Union was the only company that identified
2 for you the particular credit accounts that
3 Mr. Perez used your Social Security number with?

4 A. That's correct, after my lawyer wrote a
5 letter to you.

6 Q. Oh, so the lawyer wrote a letter to
7 Trans Union asking for that information?

8 A. He wrote it to all the credit bureaus.

9 Q. Have you ever seen that letter?

10 A. I think just I kind of remember it, but
11 not...

12 Q. I've never seen it. Who was the lawyer
13 who wrote to Trans Union asking for that
14 information?

15 A. Adler.

16 Q. Okay. And so Mr. Adler wrote to all
17 three credit bureaus asking them to provide
18 information regarding the accounts opened up by
19 the person who stole your Social Security
20 number, right?

21 A. I believe that's the content, yes.

22 Q. Okay. And what is this person's name,
23 do you know, who stole your Social Security
24 number?

25 A. He's got several different aliases,

1 Abundio Perez.

2 Q. So can we just refer to him as
3 Mr. Perez during this conversation today?

4 A. (Indicating.)

5 Q. Okay. So, your lawyer wrote to all
6 three credit bureaus asking for information
7 about Mr. Perez's use of your Social Security
8 number, right?

9 A. I think he was also asking to shutdown
10 his accounts.

11 Q. Okay. Well, we'll get to that in a
12 second.

13 A. Okay.

14 Q. But...

15 A. All right.

16 Q. Your lawyer wrote to each of the
17 three credit bureaus and said give us this
18 information, right?

19 A. Yes, sir.

20 Q. And Trans Union was the only one who
21 provided it to you, right?

22 A. Yes, sir.

23 Q. Okay. The other bureaus refused to do
24 that for you, right?

25 A. Yes, sir.

1 Q. You can't keep up with all what?

2 A. With all the lawyer stuff back and
3 forth.

4 Q. Because you've filed a number of
5 lawsuits, haven't you?

6 A. Yes, sir.

7 Q. How many lawsuits have you filed?

8 A. I think five.

9 Q. And are these five separate lawsuits?
10 Are they all together in one or separate?

11 A. They were all in one and then they got
12 separated out.

13 Q. So, after the initial lawsuit was filed
14 against all five companies, your lawyers decided
15 that that was not a good idea and that they
16 should file them in separate lawsuits?

17 MR. CLOON: I'm going to object
18 to the form of the question. Lacks foundation.
19 Calls for speculation.

20 MR. O'NEIL: I'll --

21 MR. CLOON: Invades the
22 attorney-client privilege.

23 MR. O'NEIL: I'll withdraw the
24 question.

25 Q. (BY MR. O'NEIL) Why did you first sue

1 everybody in one case and then later decide to
2 sue them in five separate cases?

3 A. That's something the lawyers came up
4 with.

5 Q. Okay. And who have you sued,
6 Mr. Millett?

7 A. Ford, Trans Union, Experian, Equifax.
8 Is that four?

9 Q. That's four, yes. Do you think you've
10 sued anybody else?

11 A. I guess that's all I can remember.

12 Q. Did you ever sue Bank of America?

13 A. Oh, yeah, that's right.

14 Q. Okay, that's another one.

15 A. Sorry.

16 Q. That's okay, it's hard to keep all this
17 stuff straight. Did you ever sue a company
18 called CSC?

19 A. Yeah, I learned that at the last
20 deposition I think, yeah.

21 Q. So, prior to that last deposition, you
22 weren't aware that a lawsuit was filed against
23 CSC in your name?

24 A. Yes, sir.

25 Q. Did that surprise you to find out in a

1 MR. CLOON: I'm going to object
2 to that question. It's argumentative, invades
3 the attorney-client privilege.

4 MR. O'NEIL: Are you going to
5 instruct him not to answer that question?

6 MR. CLOON: No.

7 Q. (BY MR. O'NEIL) Was your recollection
8 refreshed about the company Truelink during the
9 break that we just took?

10 THE WITNESS: So go ahead and
11 answer?

12 MR. CLOON: Yes.

13 A. Yes, sir.

14 Q. (BY MR. O'NEIL) So, you've heard of a
15 company called Truelink?

16 A. Yes.

17 Q. Okay. And what's your understanding of
18 what that company is?

19 A. That's who represents the credit
20 monitoring.

21 Q. Okay. Have you ever sued Truelink?

22 A. That's -- I'm getting confused again.
23 I mean, is it Trans Union or Truelink?

24 Q. Well, sir, I'm asking you. Because you
25 identified four companies that you sued and then

1 to buy the credit monitoring product, right?

2 A. Yes, sir.

3 Q. But was it your wife's idea that she
4 proposed to you that you filed all these
5 lawsuits?

6 A. No. We decided together to file all
7 these lawsuits.

8 Q. Why did you decide to file the
9 lawsuits?

10 A. Because we don't think it's right that
11 somebody's out there running around with my
12 Social Security number and you guys just letting
13 him do it.

14 Q. You think my clients are letting
15 Mr. Perez use your Social Security number?

16 A. Well, you have the right to maintain
17 the information. It's my information. I don't
18 want to be associated with this guy in any
19 shape, form or manner. I don't want it coming
20 back on me.

21 Q. Have you ever been associated with
22 Mr. Perez?

23 A. Well, yeah.

24 Q. In what way?

25 A. My Social Security number.

1 Q. Well, I understand that you think he's
2 using your Social Security number to open up
3 accounts, right?

4 A. Yes, sir.

5 Q. Okay. But has anyone ever called you
6 up and said you owe them money that Mr. Perez --
7 that we lent to Mr. Perez?

8 A. Ford Motor called the house.

9 Q. Ford Motor called you?

10 A. Yeah, then my wife took the phone out
11 of my hand. They wanted my Social Security
12 number and then she took the phone out of my
13 hand.

14 Q. Well, why wouldn't she let you talk to
15 Ford?

16 A. Because she, like I said, she handles
17 this stuff. She was wondering what they want my
18 Social Security number for.

19 Q. Trans Union identified for you, I
20 think, 23 credit accounts that Mr. Perez had
21 opened using your Social Security number, do you
22 recall that?

23 A. Yes.

24 Q. Okay. Have any of those 23 credit
25 grantors asked you to pay his bills?

1 A. No.

2 Q. Has anyone ever said to you, I think
3 you're Mr. Perez?

4 A. When I first was checking on the bank
5 account at Bank of America, I had to identify
6 which party I was.

7 Q. I understand that. Has anyone ever
8 said to you that I think you're Mr. Perez?

9 A. No.

10 Q. And so, you filed these lawsuits
11 because you think Trans Union is helping
12 Mr. Perez use your Social Security number; is
13 that your testimony?

14 A. Yeah.

15 Q. Okay. And what facts do you have to
16 support that belief?

17 A. Well, it's like you're -- I'll just say
18 this, you're not stopping him.

19 Q. Okay. Any other facts you have to
20 support your belief?

21 A. Could you re-ask the question again?

22 Q. Sure. I asked you earlier what facts
23 do you have to support the belief that Trans
24 Union is facilitating the misuse of your Social
25 Security number, and you said, well, Trans Union

1 is not stopping him. And I'm asking you, is
2 that your complete answer or is there something
3 else that you believe is a fact that supports
4 your belief that Trans Union is facilitating the
5 misuse of your Social Security number?

6 A. Well, you had the right to maintain
7 that information that you sent me, I mean...

8 Q. Okay.

9 A. I'm not liking that at all.

10 Q. Have any of the police done anything to
11 stop Mr. Perez from using your Social Security
12 number?

13 A. No.

14 Q. Okay. Has the Federal Trade Commission
15 -- well, strike that.

16 Has the federal government done
17 anything to stop Mr. Perez from using your
18 Social Security number?

19 A. To the best of my knowledge, no.

20 Q. Okay. But you haven't sued the federal
21 government, have you?

22 A. No.

23 Q. And you haven't sued the police?

24 A. No.

25 Q. Have you sued Mr. Perez?

1 lawsuit, you have to file what's called a
2 complaint?

3 A. Yeah.

4 Q. Okay. Have you ever seen a complaint
5 that was filed on your behalf?

6 A. I think, yes.

7 Q. Okay. And you understand that in the
8 complaint you have to describe facts, right?

9 A. Right.

10 Q. And you also have to identify the legal
11 claims that you're asserting, do you understand
12 that?

13 A. That's why I hired my lawyer, sir.

14 Q. Okay. But do you understand that a
15 complaint has to describe the legal claims that
16 you're asserting?

17 A. Right.

18 Q. Okay. And do you also understand that
19 as part of a complaint, you have to tell the
20 Court what you want the Court to do?

21 A. Right.

22 Q. The relief that you're seeking?

23 A. I understand.

24 Q. Okay. What relief are you seeking in
25 the lawsuit that we're talking about today?

1 A. I think I should be reimbursed my
2 money, and everybody who bought the product get
3 their money back, Kansas Protection Act and
4 injunctive relief and my lawyers' fees paid.

5 Q. How much in lawyers' fees have you
6 paid?

7 MR. CLOON: I'm going to object
8 to the form of the question. Lacks foundation.
9 Calls for speculation. He has not idea what
10 hours we spent in this case.

11 Q. (BY MR. O'NEIL) You can answer.

12 A. I don't know.

13 Q. Have you paid any money to your
14 lawyers?

15 A. Yes.

16 Q. How much?

17 A. I've paid -- including my first lawyer?
18 Adler?

19 Q. Are you seeking his fees in this case?

20 A. Well, I've spent \$12,000 on lawyer
21 fees.

22 Q. Are all those \$12,000 in connection
23 with the lawsuit that you brought against Trans
24 Union?

25 A. I'm not understanding the question.

1 Q. Well, I'm asking you -- I've asked you
2 what do you want the Court to do, and you said
3 one of them is to pay your lawyers' fees, right?

4 A. Right.

5 Q. I'm asking what lawyers' fees do you
6 want them to pay? You said \$12,000, does that
7 include money spent for suing other people?

8 A. I don't know.

9 Q. Okay.

10 A. Whatever they're asking, I guess.

11 Q. I'm sorry?

12 A. Whatever they're asking.

13 Q. Who's asking?

14 A. What -- I don't know what my lawyer
15 fees are.

16 Q. Okay. You also mentioned something
17 called injunctive relief? What's that?

18 A. Well, you're marketing is deceptive,
19 like disclaimers, and they're saying exactly
20 what this product does and does not do.

21 Q. So what do you want the Court to do?

22 A. Change you guy's marketing.

23 Q. Okay. Have you ever seen the marketing
24 our guy's marketing?

25 A. I think when she first bought it, yeah.

1 I saw it online.

2 Q. So, when your wife first bought the
3 Trans Union credit monitoring product --

4 MR. CLOON: I'm going to object
5 to the form of the question. That misstates the
6 evidence. You've maintained that it's not Trans
7 Union's product, it's Truelink's product.

8 MR. O'NEIL: I haven't maintained
9 anything. I'm just asking the question.

10 MR. CLOON: Well, that's what the
11 pleadings state.

12 MR. O'NEIL: You know what, I
13 would rather -- if you're going to try to remind
14 your client of what the facts are, let's take a
15 break and you can do it there. Let's not do it
16 here on the record. I'm just --

17 MR. CLOON: Mike, I objected to
18 the form of the question because it misstated
19 the evidence.

20 MR. O'NEIL: Well, actually, I
21 didn't even get my question out before you
22 started objecting. I'll withdraw it.

23 MR. CLOON: Because you used the
24 term "Trans Union". You said "Trans Union's
25 product", and you've maintained in the pleadings

1 that it's not Trans Union's product, it's
2 Truelink's product. Am I mistaken about that?

3 MR. O'NEIL: I'm asking your
4 client about his knowledge. He told me it was a
5 Trans Union product.

6 MR. CLOON: But you've misled him
7 by saying it is a Trans Union product. He's
8 stated on the record that he's got them all
9 confused. He thinks Trans Union is a part of
10 Truelink.

11 MR. O'NEIL: Okay. I'll withdraw
12 the question, you know what, because it's a
13 waste of time.

14 Q. (BY MR. O'NEIL) At some point in time,
15 your wife went online and bought a credit
16 monitoring product from either Trans Union or
17 Truelink, right?

18 A. Correct.

19 Q. Okay. At that time, did you actually
20 see the website pages she was looking at?

21 A. Yeah, I think it said protect me from
22 identity theft.

23 Q. Uh-huh. What else did it say?

24 A. I can't recall.

25 Q. Okay.

1 A. I mean, that's the gist of it.

2 Q. And so when you and your wife read
3 that, did you think, great, this product will
4 protect us from identity theft?

5 A. Yes, sir.

6 Q. Okay. Of course, you were already a
7 victim office identify theft, that's your
8 position, right?

9 A. Yes, sir.

10 Q. Okay. Has anybody else stolen your
11 identity since Mr. Perez did?

12 A. As far as I know, no.

13 Q. And, to your knowledge, has Mr. Perez
14 opened up any other accounts since you first
15 bought the product from Trans Union or Truelink?

16 A. I can't answer that, I don't know.

17 Q. Okay. So, as you sit here now, you
18 don't have any evidence that there was any
19 additional misuse of your Social Security number
20 after your wife first bought the product?

21 MR. CLOON: I'm going to object
22 to the form of the question. Lacks foundation.
23 Calls for speculation.

24 A. Can you repeat the question?

25 Q. (BY MR. O'NEIL) I'll ask the court

1 Q. Did she ever tell you that she thought
2 that you should continue purchasing the credit
3 monitoring product?

4 A. No.

5 Q. And you don't know whether or not you
6 are purchasing the credit monitoring product; is
7 that correct?

8 A. That's correct.

9 Q. The lawsuit that you brought -- and
10 I'll represent to you, by the way, the current
11 lawsuit that we're having your deposition taken
12 today is not against Trans Union, it's against a
13 company called Truelink. Okay?

14 A. Okay.

15 Q. Okay. Are you aware that you are suing
16 Truelink, not only on your own behalf, but on
17 behalf of every person in the country who ever
18 bought credit monitoring from Truelink?

19 A. Yes, sir.

20 Q. Okay. And why are you doing that?

21 A. Because your product doesn't work.

22 Q. Well, that's your belief, right?

23 A. Well, it's deceptive.

24 Q. Okay. Putting aside what your wife
25 said about the product, you don't think the

1 product works, right?

2 A. The product doesn't work --

3 Q. Okay.

4 A. -- as far as my knowledge is.

5 Q. Have you ever talked to anybody else
6 who bought the credit monitoring product from
7 Truelink?

8 A. No.

9 Q. So you don't know whether or not they
10 think it works, do you?

11 A. No.

12 Q. All these lawsuits that you've filed,
13 they're kind of a hassle, aren't they,
14 Mr. Millett?

15 A. Well, it's not pleasant.

16 Q. Yeah. You have to have your deposition
17 taken, you have to answer written questions,
18 right?

19 A. Yes, sir.

20 Q. Okay. And do you understand that the
21 lawsuits are more complicated because you've
22 sued not only on your behalf, but on behalf of
23 everybody in the country who has also purchased
24 the product?

25 MR. CLOON: I'm going to object

1 to this line of questioning as being totally
2 irrelevant to the issues in this case.

3 Q. (BY MR. O'NEIL) You can answer.

4 A. Can you repeat the question?

5 Q. Sure.

6 MR. O'NEIL: Could you please
7 repeat the question, Ms. Court Reporter?

8 (Whereupon, the requested portion
9 of the record was read by the reporter.)

10 MR. CLOON: Same objection and
11 lacks foundation.

12 A. Yeah. Yes, sir.

13 Q. (BY MR. O'NEIL) Why do you think the
14 Court should permit you to represent all those
15 other credit monitoring customers, instead of
16 having them represent themselves?

17 A. We bought the product just like
18 everybody else.

19 Q. And you made the decision that you
20 thought the product was defective and you sued
21 Truelink, right?

22 A. Yes, sir.

23 Q. And now you want to make that decision
24 for everybody else who bought the product; isn't
25 that correct?

1 A. Yes, sir.

2 Q. But you haven't talked to any of those
3 people, right?

4 A. Well, maybe they don't know.

5 Q. You haven't talked to any of those
6 people, right?

7 A. No, I haven't talked to all your
8 customers.

9 Q. So you don't know whether or not they
10 have the same complaints that you allegedly have
11 about the product, right?

12 A. I don't think they're aware of what the
13 product does and does not do.

14 Q. Uh-huh. When you first bought the
15 product from Truelink, you and your wife had a
16 conversation where you both agreed you're going
17 to buy it, correct?

18 A. Yes, sir.

19 Q. Do you understand that additional
20 products have been purchased from Truelink by
21 your wife since that time?

22 A. No, I'm not aware of that.

23 Q. Okay. So, as far as you know, there
24 was just the one product that you agreed to buy
25 at the very beginning, right?

1 A. Yes, sir.

2 Q. Okay. And that was a credit monitoring
3 product?

4 A. Yes, sir.

5 Q. Did you buy anything else at that time
6 from Truelink?

7 A. Not that I'm aware of.

8 Q. Okay. And that was a product that was
9 -- that provided you with information over a
10 period of time, right?

11 A. Right.

12 Q. Okay. And how long a period of time
13 did that last?

14 A. I don't know. You said it's ongoing,
15 so we must still have it then.

16 Q. And as part of your -- the credit
17 monitoring product you bought, e-mails were sent
18 from Truelink to your home, right?

19 A. Right.

20 Q. And, in fact, they weren't sent to your
21 e-mail address, but to you're wife's e-mail
22 address?

23 A. Correct.

24 Q. Okay. Did you ever see any of those
25 e-mails?

1 A. I think maybe I saw one. Everything is
2 honky-dory.

3 Q. Do you know how often your wife
4 received those e-mails?

5 A. No, I can't answer that, I don't know.

6 Q. Did you ever ask her, ask your wife, if
7 she ever got more than one e-mail from Truelink?

8 A. No. I don't recall asking her that.

9 Q. Do you know when you purchased the
10 credit monitoring service from Truelink?

11 A. I can't give you exact date.

12 Q. Can you give me a rough date?

13 A. I think it was like after the police
14 report or some time around there.

15 Q. Okay.

16 A. In general.

17 Q. Do you know what year that was?

18 A. I think it was 2003, I think.

19 Q. And you told us today that you think
20 the product that Truelink sold to you doesn't
21 work, right?

22 A. Yes, sir.

23 Q. And could you tell me in what ways the
24 product doesn't work?

25 A. Doesn't tell you if somebody's using

1 your Social Security number.

2 Q. Any other problems that you have with
3 the product?

4 A. Well, it says it's supposed to protect
5 me from identity theft, I'm not even sure it
6 does that.

7 Q. So you don't know? It may, but you
8 don't know; is that right?

9 A. Yes, sir.

10 Q. Okay. And to your knowledge, you
11 haven't been the victim of identity theft, other
12 than this use by Mr. Perez of your Social
13 Security number, right?

14 A. That's correct.

15 Q. Okay. Any other problems that you have
16 with the Truelink credit monitoring service?

17 A. I think you should change your
18 advertising.

19 Q. So, you're not happy with the
20 advertising, right?

21 A. Correct.

22 Q. Okay. But you haven't seen the
23 advertising since that very first day in 2003
24 since you looked at it, right?

25 A. Correct.

1 Q. So you don't know if you have any
2 problem with the advertising that's occurred
3 since that date, right?

4 A. Right.

5 Q. Have you ever had any conversations
6 with your wife about the advertising?

7 A. Yeah, that they should change it.

8 Q. Okay.

9 MR. O'NEIL: Well, looks like we
10 need to change the tape, so let's go off the
11 record.

12 VIDEOGRAPHER: We are now going
13 off the record at 9:56 AM.

14 (Recess.)

15 VIDEOGRAPHER: It is now 9:58 AM
16 and we are back on the record. You may
17 continue.

18 Q. (BY MR. O'NEIL) Mr. Millett, have you
19 ever heard of something called the Credit Repair
20 Organizations Act?

21 A. No.

22 Q. Okay. Have you ever heard of something
23 called a Credit Repair Organization?

24 MR. CLOON: I'm going to object
25 to this line of questioning. Those claims are

1 Q. Okay. To your knowledge, have you ever
2 been denied credit based upon a credit report
3 prepared by Trans Union?

4 A. I don't know.

5 Q. Are you aware that your lawyers filed a
6 complaint alleging that you were, quote,
7 "unfairly denied credit based upon a credit
8 report prepared by Trans Union"? Were you aware
9 of that?

10 A. It sounds familiar.

11 Q. Does it sound familiar because I just
12 asked you the question or because somebody told
13 you that previously?

14 A. Because you asked me the question.

15 Q. Oh. Because you knew I was reading
16 from the complaint, right?

17 A. You're reading something over there.

18 Q. Who are your lawyers in the case that
19 you've brought against Truelink?

20 A. Barry Grissom, Joyce Yeager, I can't
21 remember all of them.

22 Q. Are there more?

23 A. Yeah.

24 THE WITNESS: I was wondering if
25 I could take another break?

1 MR. O'NEIL: Sure.

2 VIDEOGRAPHER: We are now going
3 off the record at 10:02 AM.

4 (Recess.)

5 (Millett Exhibit 1 was marked for
6 identification by the reporter.)

7 VIDEOGRAPHER: It is now 10:08 AM
8 and we are back on the record. You may
9 continue.

10 Q. (BY MR. O'NEIL) Mr. Millett, I'm going
11 to hand you what's been marked Millett Exhibit
12 No. 1.

13 MR. O'NEIL: Do we have copies?

14 Q. (BY MR. O'NEIL) And I'll represent to
15 you, Mr. Millett, that this is a document that
16 your lawyers produced to us in connection with
17 this lawsuit. Take as much time as you need,
18 but my question to you right now is simply have
19 you ever seen this document before, Mr. Millett?

20 MR. CLOON: Excuse me.

21 A. It's the Ford Motor Credit Company.

22 Q. (BY MR. O'NEIL) Do you understand that
23 this is a complaint that was filed on your
24 behalf and on behalf of your wife against the
25 Ford Motor Credit company?

1 A. Yes, sir.

2 Q. Do you recall if you got an opportunity
3 to review this document before it was filed with
4 the Court?

5 A. I don't remember.

6 Q. I think we discussed before about the
7 fact that whenever you file a lawsuit, you have
8 to file what's called a complaint. Do you
9 understand that?

10 A. Right.

11 Q. And you've sued at least five or six
12 companies, right?

13 A. Yes, sir.

14 Q. Did you get an opportunity to review
15 the complaint that was filed on your behalf in
16 those cases before it was filed?

17 A. I think I looked at each one, yes.

18 Q. Okay. Do you recall, did you make any
19 changes to the complaint before it was filed
20 with the Court?

21 A. Not me personally, no.

22 Q. Okay. Did you have -- what was the
23 purpose of you reviewing the document before it
24 was filed with the Court?

25 A. I guess just to see what was in it.

1 Q. Okay. So you weren't asked to review
2 it to make sure it's accurate then?

3 A. I don't remember.

4 Q. The lawsuit that you and your wife have
5 filed against Ford Motor Credit Company, is that
6 still in existence?

7 A. I think we -- it's been dropped.

8 Q. Do you recall that there was a ruling
9 by the Court that said Ford Motor didn't violate
10 the law?

11 A. I don't remember that statement, no.

12 Q. But your understanding is that your
13 lawyers dropped the lawsuit, dismissed it?

14 A. Right.

15 Q. Okay. Did you get any compensation or
16 money as part of the agreement to drop the
17 lawsuit?

18 A. No.

19 Q. Did your lawyers get any payment or
20 money for the agreement to drop the lawsuit?

21 A. I'm not aware if they did or didn't.

22 Q. Did you ever sign a settlement
23 agreement with Ford Motor Credit?

24 A. I don't remember.

25 Q. And as you sit here today, you're not

1 his testimony, but continue.

2 Q. (BY MR. O'NEIL) Maybe my question
3 wasn't clear. I'm not asking about the
4 Defendant trying to dismiss a claim and losing.
5 I'm asking about you've asked multiple courts
6 throughout the country to determine that
7 Experian and Equifax and Ford and Bank of
8 America and CSC and Truelink and Trans Union
9 have violated the law; isn't that correct?

10 A. Yes, sir.

11 Q. And no court has ever agreed with you;
12 isn't that correct?

13 MR. CLOON: I'm going to object
14 to the form of the question. That's
15 argumentative.

16 A. The Experian, there's one claim left,
17 so he did agree with me on there.

18 Q. (BY MR. O'NEIL) Okay. Well, whatever
19 the Experian, I'll show you the ruling. But
20 aside from the Experian case, are you aware of
21 any court that says, yes, Mr. and Mrs. Millett
22 and your lawyers, you're right, this Defendant
23 did violate the law?

24 A. Well, we settled with the other
25 lawsuits. Another one was dropped.

1 A. That's when I was in Phoenix, yeah.

2 Q. Okay. And do you recall that the terms
3 of that home loan financing were less favorable
4 than you wanted them to be?

5 A. Right. I remember that, yeah.

6 Q. And do you have any reason to believe
7 that the reason why those terms were less
8 favorable was because of Mr. Perez's use of your
9 Social Security number?

10 A. Okay, repeat the question again.

11 Q. It was a long question.

12 A. I'm sorry.

13 Q. No, you don't have to apologize, it was
14 a long question. Paragraph 14 states, and I'm
15 paraphrasing here, that you agreed to home loan
16 financing on less favorable terms, quote,
17 "because you and your wife were unaware that the
18 fraudulent use of Plaintiff Steven Millett's
19 Social Security number and the identity theft
20 had adversely impacted their credit histories,
21 credit reports and credit scores," closed quote.

22 Do you see that?

23 A. Yes, sir.

24 Q. Do you have any reason to believe that
25 Mr. Perez's use of your Social Security number,

1 quote, "had adversely impacted your credit
2 histories, credit reports and credit scores"?

3 A. I believe that.

4 Q. Okay. Do you have any facts to support
5 that belief?

6 A. Well, I should have got a first time
7 buyer for my home.

8 Q. And were you ever told you're not
9 getting that because --

10 A. Nobody ever told me that, no.

11 Q. And then Paragraph 17 of the pleading,
12 it states that you and your wife discovered that
13 Bank of Amer Corporation maintained an account
14 for an individual who was fraudulently and
15 criminally utilizing the Social Security of
16 yourself, right?

17 A. Yes, sir.

18 Q. And that's consistent with your
19 testimony today?

20 A. Yes, sir.

21 Q. Okay. But, at that time, you didn't
22 believe that that was a result -- well, wait a
23 minute. So, in August of 2002, did you learn
24 that there was somebody out there who was
25 fraudulently and criminally using your Social

1 Security number?

2 A. I had inklings.

3 Q. Okay. And that was why you and your
4 wife decided to buy the Equifax credit
5 monitoring product, right?

6 A. Right.

7 Q. Okay. Does that refresh your
8 recollection that you may have bought the
9 Equifax product in 2002?

10 A. I'm sorry, I'm getting confused again.
11 Yeah, we bought it some -- I think we bought it
12 like -- I can't remember.

13 Q. Okay.

14 A. I can't answer that.

15 Q. And then the next paragraph of your
16 pleading states that, "On January 24, 2003, you
17 discovered that you couldn't use Ford's online
18 payment system because some other individual was
19 using your Social Security number for the same
20 purpose," right?

21 A. Yes, sir.

22 Q. Okay. So, by January 2003, you knew
23 that there was a guy out there misusing your
24 Social Security number, right?

25 A. Yes, sir.

1 A. I can tell you what I think.

2 Q. Please do.

3 A. That she had to close the accounts
4 opened by Mr. Perez.

5 Q. Did she ever tell you that?

6 A. I know she was working on that.

7 Q. Did she ever close accounts that
8 somebody else had opened?

9 A. She was trying to close down those
10 Abundio accounts that Trans Union sent from that
11 letter.

12 Q. Did she ever succeed?

13 A. I think she did on most of them.

14 Q. So, it's your understanding that your
15 wife succeeded in closing credit accounts that
16 Mr. Perez had with other companies?

17 A. Yes, sir.

18 Q. Okay. And what's the basis for that
19 understanding? Is it because your wife told you
20 that?

21 A. Because she was calling up people on
22 the phone.

23 Q. Well, I understand she was calling
24 people on the phone. But my question is, did
25 she actually close accounts?

1 MR. CLOON: I'm going to object
2 to the question. Calls for speculation, and
3 it's vague as to what the term "closing"
4 actually means.

5 Q. (BY MR. O'NEIL) To your knowledge, has
6 your wife ever closed accounts that were opened
7 by fraud?

8 A. I don't know.

9 Q. To your knowledge, have criminal
10 charges ever been brought against Mr. Perez?

11 A. Concerning what?

12 Q. Concerning anything? Well, actually,
13 have any criminal charges been brought against
14 Mr. Perez regarding the misuse of your Social
15 Security number?

16 A. I don't know.

17 Q. Okay. Well, let me direct your
18 attention to Page 9 of that document,
19 Mr. Millett. At the very top there is paragraph
20 48. Do you see that, sir? First sentence of
21 Paragraph 48 says, quote, "Criminal charges have
22 been brought against the individual who utilized
23 or was utilizing Plaintiff Steven Millett's
24 Social Security number." Do you see that, sir?

25 A. Yes.

1 Q. (BY MR. O'NEIL) Were you relieved to
2 learn that there was no reference to Mr. Abundio
3 in your credit report?

4 A. No.

5 Q. Why not?

6 A. Well, it seemed like to me that there's
7 another file.

8 Q. That's what you thought back then?

9 A. Yeah.

10 Q. Okay. And the other file didn't relate
11 to you, but related to Mr. Perez, right?

12 A. Well, yeah, but it has my Social
13 Security number on it.

14 Q. Uh-huh. But were you relieved to learn
15 that nobody had accessed your credit report for
16 Mr. Perez's purposes?

17 A. Well, could you ask the question again?
18 I'm sorry.

19 Q. Sure.

20 MR. O'NEIL: Ms. Court reporter,
21 can you read it back please?

22 (Whereupon, the requested portion
23 of the record was read by the reporter.)

24 A. No, I wasn't relieved at all.

25 (Millett Exhibit 3 was marked for

1 identification by the reporter.)

2 Q. (BY MR. O'NEIL) Mr. Millett, I'm
3 handing you what's been marked Millett Exhibit
4 No. 3.

5 A. Done with this?

6 Q. Let me get this out of your way.

7 A. Okay.

8 Q. You've got enough paper in front of
9 you.

10 And I'll represent to you, Mr. Millett,
11 that this document was among the pages that were
12 produced by your lawyers in this case. Have you
13 ever seen this document before, Mr. Millett?

14 A. I don't think I've seen it like this.

15 Q. I'm sorry, so you don't think you saw
16 it like this you said?

17 A. I --

18 Q. I will represent to you that this is a
19 file disclosure, or at least I'll represent to
20 you that this is a form of a file disclosure
21 that Trans Union makes to consumers whenever
22 they ask for their credit report. Have you ever
23 seen this form of document?

24 A. I don't remember this.

25 Q. Okay. Have you ever -- do you recall

1 ever seeing a credit report from Trans Union in
2 this form?

3 A. No. I don't remember.

4 Q. Have you ever seen a credit report --
5 well, strike that.

6 Have you ever seen any document that
7 reflects the credit information that Trans Union
8 maintains on you?

9 A. I think I've seen it on the internet.

10 Q. But never printed out?

11 A. I don't remember.

12 Q. Do you recognize any of the handwriting
13 on Exhibit No. 3, on the first page?

14 A. It kind of looks like my wife's, but
15 I'm not -- I'm not totally sure.

16 Q. Okay. On the first page, there's four
17 accounts listed there.

18 A. Right.

19 Q. The first one is a Ford Motor Credit
20 account, the second one seems to be a Ford Motor
21 Credit account that was closed. Do you see
22 that?

23 A. Yes, sir.

24 Q. And that accurately reflects the
25 account that you either had or had in the past

1 with Ford Motor Credit as of January 2003,
2 right?

3 A. Right.

4 Q. And then the next account is for Jared,
5 do you see that, sir?

6 A. Yes, sir.

7 Q. Do you have a credit account a Jared
8 Jewelers?

9 A. Yes, sir.

10 Q. Okay. And then there is a closed
11 mortgage account with Washington Mutual. Do you
12 see that, sir?

13 A. Yes, sir.

14 Q. And, at one point, did you have a
15 mortgage account with Washington Mutual?

16 A. Yes, sir.

17 Q. And then -- so then these accounts all
18 relate to you, Mr. Millett, right?

19 A. As far as I know, yes.

20 Q. Okay. And on the first page, there's
21 some -- there is an address for you and there's
22 some former addresses, right?

23 A. Right.

24 Q. Are those -- is that information
25 accurate?

1 to hand you what's been marked Millett Exhibit
2 No. 4, which I'll represent to you are more
3 pages that your lawyers have produced in this
4 case.

5 (Millett Exhibit 4 was marked for
6 identification by the reporter.)

7 Q. (BY MR. O'NEIL) Tell me if you've seen
8 any of these pages before.

9 A. Yeah, I've seen this before.

10 Q. Okay. And do you recall that in April
11 2003, at the request of your wife, Trans Union
12 performed an investigation?

13 A. Okay.

14 Q. Do you recall that, sir?

15 A. I remember this document.

16 Q. Okay. Let me take you to the second
17 page of Exhibit No. 4, Mr. Millett. It says,
18 "Dear Consumer: This will acknowledge receipt
19 of your recent correspondence." Do you recall
20 that you actually sent correspondence to Trans
21 Union prior to April 23, 2003?

22 A. I think my first lawyer did.

23 Q. Okay. You think it was your lawyer who
24 did it?

25 A. Yeah, that's what I think, yeah.

1 Q. I see. So, you weren't really watching
2 her go through each step of purchasing the
3 product, were you?

4 A. No.

5 Q. Okay. Were you even looking at what
6 she was doing at that time?

7 A. Well, I just kind of glanced over there
8 and read some stuff, and then I walked back to
9 my computer.

10 Q. What were you reading?

11 A. The -- what your opening statements
12 were.

13 Q. You mean the statements on the website?

14 A. Well, telling what about what the
15 product was, yeah.

16 Q. Okay. And why were you interested in
17 looking at that?

18 A. Just to see what -- if you had any
19 disclaimers in there what you did and didn't do.

20 Q. So, when you -- when your wife was
21 purchasing the product for you, you were
22 particularly interested in --

23 A. Oh, I was just reading the activity
24 advertisement just seeing what you had in there.

25 Q. Okay. But you and your wife had

1 already purchased credit monitoring products
2 from other companies, right?

3 A. Right.

4 Q. And so you were familiar with what the
5 product was, right?

6 A. In general.

7 Q. Okay. And when your wife purchased the
8 products from the other companies prior to
9 purchasing it from Truelink, were you sitting
10 looking at the information on the website during
11 those earlier purchases?

12 A. I don't think so.

13 Q. Okay. What were you doing on the
14 computer while your wife was purchasing the
15 product?

16 A. I think I was playing some video game
17 or something.

18 Q. Is there a reason why your wife was
19 purchasing the product instead of you?

20 A. Why she was doing it?

21 Q. Right.

22 A. I just -- I think she was looking at it
23 and she said it was -- it could help us.

24 Q. And do you recall that she provided her
25 e-mail address instead of yours?

1 information about Mr. Perez, right?

2 A. Right.

3 Q. And you already knew that the Experian
4 product didn't give you any information about
5 Mr. Perez, right?

6 A. Right.

7 Q. Did you and your wife have any
8 conversations along the lines of, but we think
9 Truelink will provide information about
10 Mr. Perez?

11 A. I think we bought the other two to
12 cross reference information.

13 Q. Okay. Well, you and your wife were
14 disappointed -- or correct me if I'm wrong, this
15 is a question -- were you and your wife
16 disappointed that the Experian and Equifax
17 products didn't give you any information about
18 Mr. Perez's use of your Social Security number?

19 MR. CLOON: I'm going to object
20 to the form of the question. Lacks foundation.
21 There are no dates, times or places stated.

22 Q. (BY MR. O'NEIL) You can answer.

23 A. I wasn't happy.

24 Q. Okay. So, did you have any
25 conversations with your wife prior to purchasing

1 the product from Truelink where you thought that
2 Truelink would provide that information?

3 A. We didn't know.

4 Q. Okay, I understand you didn't know.

5 What I'm asking is, did you have any
6 conversation with your wife prior to purchasing
7 the product from Truelink where you discussed
8 whether or not Truelink would provide the
9 information that you were looking for?

10 A. I don't think we had a conversation
11 like that, no.

12 Q. Did you ever ask your wife why are we
13 buying the same product from another credit
14 bureau?

15 A. I think that was the same time when she
16 said it would help us.

17 Q. I understand that, sir. But did you
18 ever question why you were buying the same
19 product from a different credit bureau?

20 A. It was just a cross reference to see
21 what the other two had.

22 Q. Were you ever concerned about the
23 expense of these credit monitoring products that
24 you were purchasing?

25 A. No.

1 A. My wife purchased it on my behalf.

2 Q. Okay. Well, then did she ever tell you
3 that there was a contract that had to be agreed
4 to before Truelink delivered the product?

5 A. No.

6 Q. Did she ever indicate to you whether or
7 not she read the contract?

8 A. No.

9 Q. Have you ever filed a lawsuit against a
10 company called Fair Isaac?

11 A. I think that was one of the early ones.

12 Q. Have you ever attended high school?

13 A. Yes, sir.

14 Q. And did you graduate from high school?

15 A. Yes, sir.

16 Q. What high school did you graduate from?

17 A. Blue Valley High School.

18 Q. Where was that, sir?

19 A. It's out in Stanley, Kansas.

20 Q. Okay. When did you graduate from that
21 high school?

22 A. '81.

23 Q. Have you taken any college courses?

24 A. I graduated from DeVry.

25 Q. And was that a two-year program?

1 Q. Do you have any children, sir?

2 A. Yes, I have two.

3 Q. And how old are they?

4 A. My son just turned seven, and I think
5 my daughter is 13.

6 Q. Have you suffered any harm as a result
7 of Truelink not delivering what you believe it
8 promised?

9 MR. CLOON: Object to the form of
10 the question. Vague and ambiguous. You can
11 answer.

12 A. I can't determine what harm I've
13 received or hadn't received.

14 Q. (BY MR. O'NEIL) Why not?

15 A. Because I don't know. He could still
16 be out there buying all kinds of stuff for all I
17 know.

18 Q. When you say "he", you mean Mr. Perez?

19 A. Yes, sir.

20 Q. Okay. Have you done any investigation
21 to find out what Mr. Perez has been doing since
22 you purchased the Truelink product?

23 A. No.

24 Q. Okay. Well, aside from the possibility
25 that Mr. Perez may have done some harm to you

1 since you purchased the Truelink product, have
2 you suffered any other harm as a result of
3 Truelink not delivering what you believe it
4 promised?

5 MR. CLOON: Same objection.

6 A. I'm not understanding the question very
7 well.

8 Q. (BY MR. O'NEIL) Okay. Well, I mean,
9 you're claiming Truelink's product wasn't what
10 it promised, right?

11 A. Correct.

12 Q. And I think you also said you think
13 some of the advertising regarding the product
14 was not accurate, right?

15 A. Right.

16 Q. Okay. And so now I'm asking you, okay,
17 Mr. Millett, so what? What harm have you
18 suffered, if in fact what you say is true?

19 MR. CLOON: Same objection.

20 A. I don't know how to answer that.

21 Q. (BY MR. O'NEIL) Why don't you know how
22 to answer it?

23 A. Well, I mean, like I said before, the
24 guy could be out there doing whatever.

25 Q. Okay. Is that your complete answer?

1 A. Yes, I believe so.

2 Q. What is it that you believe Truelink
3 promised and did not deliver?

4 A. It said it can protect me from identify
5 theft.

6 Q. Okay. And you don't think it's
7 protected you from identity theft?

8 A. Not as far as Social Security numbers
9 are involved.

10 Q. But, sir, you've already testified that
11 you believe Mr. Perez began misusing your Social
12 Security number in 1989. Do you recall that?

13 A. Yes.

14 Q. And also you learned as of April 2003
15 that he had used your Social Security number to
16 open 26 accounts. Do you recall that?

17 A. Yes, sir.

18 Q. Okay. I'll represent to you that in
19 the complaint that your lawyers filed, it state,
20 quote, "Plaintiffs purchased the credit
21 monitoring service on or about August 2, 2003."

22 Okay. So, you're not blaming Truelink for
23 anything that occurred prior to August 2, 2003,
24 are you?

25 A. Right.

1 Q. Okay. So, if in fact you were a victim
2 of identity theft or if in fact as it appears
3 this guy misused your Social Security number
4 prior to August 2, 2003, you can't blame
5 Truelink for that, right?

6 A. Right.

7 Q. And you don't have any evidence that
8 there's been additional identity theft that has
9 occurred since August 2nd, 2003, do you?

10 A. Right.

11 Q. Are there any other ways that you think
12 Truelink's alleged failure to deliver what it
13 promised has hurt you?

14 A. Well, I just -- I mean, if you said in
15 your advertisement that this doesn't protect
16 from Social Security fraud, then we probably
17 wouldn't have bought it.

18 Q. Really? Is that your testimony today?
19 That if Truelink had told you that we're only
20 going to give you information in your credit
21 report and not information in another person's
22 report, that you wouldn't have bought the
23 product; is that your testimony?

24 A. Well, it said it would protect me from
25 identify theft.

1 Q. So --

2 A. I consider Social Security -- stealing
3 my Social Security is an identity theft.

4 MR. O'NEIL: Could you please
5 read back my question for the witness, and I'll
6 ask him to answer that question?

7 (Whereupon, the requested portion
8 of the record was read by the reporter.)

9 A. I'm not understanding.

10 Q. (BY MR. O'NEIL) Well, I understand that
11 you haven't ever looked at the marketing of
12 Truelink, other than some undefined page on the
13 one date that your wife purchased the product,
14 but. Do you understand during the course of
15 your lawsuits against Trans Union, Truelink,
16 Experian, Equifax, that all of those companies
17 have explained that we only give you information
18 about your credit report, and we only tell you
19 about changes to your credit report? Do you
20 understand that?

21 A. Okay.

22 Q. But did you understand that that's been
23 the positions of the companies that you have
24 sued?

25 A. Okay. Yeah.

1 Q. Okay. And do you understand that that
2 was the basis, one of the bases for the Court in
3 California dismissing some of the claims you
4 brought against Experian?

5 A. Okay.

6 Q. Okay. So, go back to my original
7 question. Are you saying that if you had been
8 told by Truelink that we're only going to alert
9 you to changes in your credit report, that you
10 would not have bought the product?

11 A. I'm saying that if they would have said
12 what this product does and doesn't do, then, I
13 mean, we might have bought it and we might not
14 have bought it. If it was all spelled up
15 instead of with the broad statement, well, this
16 is -- we protect you from identify theft.

17 Q. With all due respect, sir, you don't
18 know what Truelink told you in August of 2003
19 about their product, isn't that correct, because
20 you didn't look at it?

21 MR. CLOON: I'm going to object.
22 That's argumentative.

23 Q. (BY MR. O'NEIL) You can answer.

24 A. Can you ask that question again?

25 Q. With the exception of -- somehow this

1 A. I don't ever recall her saying that,
2 no.

3 Q. Do you ever recall her saying, Steven,
4 I'm disappointed, I completely believed that
5 Truelink was going to give us information --

6 A. I never --

7 Q. -- about Mr. Perez?

8 A. I don't remember her saying that.

9 Q. By the time you and your wife had
10 decided to buy the Truelink product in August of
11 2003, you and your wife had already hired
12 lawyers, right?

13 A. I don't -- I think we hired Adler.

14 Q. Right. Did he ever suggest to you that
15 you buy the product from all of the people who
16 were selling credit monitoring products?

17 A. No.

18 MR. O'NEIL: I think this is a
19 good time to take a break for lunch.

20 MR. CLOON: Okay.

21 VIDEOGRAPHER: We are now going
22 off the record at 11:40 AM.

23 (Recess.)

24 VIDEOGRAPHER: It is now 1:08 PM
25 and we are back on the record. You may

1 to you?

2 A. I can't speak for my wife. I don't
3 know.

4 Q. Did you ever have any conversations
5 with her about that topic?

6 A. No.

7 Q. Okay. So, you did talk to your wife
8 about the fact that you were unhappy with the
9 product, right, from Truelink?

10 A. We weren't happy with all three of
11 them.

12 Q. Did you ever talk specifically about
13 the Truelink product?

14 A. Well, we didn't -- we didn't
15 distinguish between the three, we just clumped
16 them all as in a general discussion with all
17 three of them.

18 Q. So, in your view, your lawsuits against
19 Experian, Equifax and Truelink are all
20 essentially the same complaint, right?

21 A. Basically, yeah.

22 Q. And you don't ever recall having a
23 separate discussion with your wife about the
24 product that Truelink was offering you?

25 A. No, I never had a specific conversation

1 Q. Meaning three credit bureaus, right?
2 When you say "three in one", are you referring
3 to three credit bureaus?

4 A. Right.

5 Q. Okay. I mean, you understand there's a
6 company called Trans Union?

7 A. Right.

8 Q. And that's a credit bureau? Is that
9 your understanding?

10 A. Right.

11 Q. Do you have an understanding of the
12 business of Truelink?

13 A. It's the credit monitoring.

14 Q. What was your understanding back in
15 August of 2003 of what a credit monitoring
16 product is?

17 A. It would be checking to see if there
18 was activity on my credit report.

19 Q. Trans Union identified for you the
20 credit accounts for which Mr. Perez was using
21 the Social Security number; isn't that correct?

22 A. Yes.

23 Q. Was there some additional information
24 you wanted from Trans Union regarding those
25 accounts?

1 A. I'm not -- I'm not understanding the
2 question.

3 Q. Okay. Maybe I'll try to rephrase it.
4 Was there any other information that you wanted
5 from Trans Union back in April of 2003 after
6 they had reported the results of their
7 investigation as reflected in Millett Exhibit
8 No. 4?

9 A. I don't think so.

10 Q. Okay. To your knowledge, did you or
11 your wife ever advise Truelink that Mr. Perez
12 was using your Social Security number?

13 A. I never personally did that.

14 Q. Okay. Do you know if your wife did?

15 A. I'm assuming that she did somewhere.

16 Q. Why are you assuming that?

17 A. Because she talked to all three credit
18 bureaus.

19 Q. Okay, sir, let me step back again. You
20 don't think Truelink is a credit bureau, do you?

21 A. No. That's the credit monitoring.

22 Q. Do you understand that Truelink --

23 A. I know I'm getting them confused.

24 Q. Do you understand that Truelink and
25 Trans Union are separate companies?

1 no, strike that, I don't know if --

2 Did you ever have a conversation with
3 your wife about the fact that you had once sued
4 Trans Union and then you dismissed that lawsuit?

5 A. I can't remember.

6 Q. Did you ever have a conversation with
7 your wife that after that dismissal you sued
8 Truelink?

9 A. I can't answer. I don't remember.

10 Q. Do you know where the lawsuit against
11 Truelink, do you know where that lawsuit is
12 pending? What state of the country?

13 A. It's Delaware.

14 Q. Okay. Do you recall that you initially
15 sued them in Kansas?

16 A. Right. That's when it started.

17 Q. Now, you told us earlier that you were
18 not blaming Truelink for any identity theft that
19 occurred before you first purchased the product
20 in August of 2003. Do you recall that?

21 A. Could you repeat the question again?

22 Q. Sure. This morning I was asking about
23 the harm that you suffered because the Truelink
24 product allegedly didn't do what you thought it
25 was going to do. Do you recall that

1 conversation?

2 A. Yes.

3 Q. And you said, well, my identity was
4 stolen, or something along those lines, do you
5 recall that?

6 A. Yes.

7 Q. And then I reminded you that the
8 identity theft actually occurred prior to
9 purchasing the product, do you recall that?

10 A. Yes, sir.

11 Q. Now, you -- you understand that you
12 have asked the Court to appoint you to be a
13 class representative in this case?

14 A. Right.

15 Q. Do you know what a "class
16 representative" is?

17 A. Represents the group of people that are
18 suing the company.

19 Q. Do you have an understanding of what
20 obligations you would have if in fact the Court
21 appointed you the class representative?

22 A. What my obligation would be?

23 Q. Yes.

24 A. To tell the truth.

25 Q. Okay. Do you have any understanding as

1 to whether or not you would have obligations to
2 the other unnamed members of the class if you
3 were to represent them?

4 A. I'm representing the whole class.

5 Q. Okay. And are you aware that if you
6 are appointed to represent the class, are you
7 aware of any duties that you would owe to that
8 class?

9 A. I'd be responsible for them.

10 Q. Okay. Do you understand that you'd be
11 responsible for making decisions in the lawsuit
12 on their behalf?

13 A. Yes, sir.

14 Q. Okay. Are you seeking to represent
15 other people who bought the credit monitoring
16 product from Truelink who are victims of
17 identify theft?

18 A. Yes, sir.

19 Q. And are you seeking to represent people
20 who bought the Truelink product who are not
21 victims of identity theft?

22 A. Well, I think whoever bought this, they
23 didn't get -- it is deceptive from the get-go in
24 my view.

25 Q. So you're seeking to represent all

1 purchasers of credit monitoring by Truelink,
2 whether or not they were a victim of identity
3 theft or not; is that right?

4 A. Exactly.

5 Q. Okay. Do you think that if you win
6 this case and if you're appointed the class
7 representative, that all members of the class
8 should get the same money?

9 A. That's hard. I don't know how to
10 answer that.

11 Q. Why not?

12 A. Well, I don't know what would be fair
13 to the whole class. I don't know.

14 Q. Because it depends on the particular
15 harm that each class member suffered, right?

16 A. Well, some of them could have been
17 paying longer than others, I mean.

18 Q. And some may have actually, in theory
19 if what you say is true, if your allegations are
20 all proven true, some people may have suffered
21 identity theft that they wouldn't have suffered
22 if Truelink's product was as delivered -- was as
23 promised; isn't that correct?

24 A. Right.

25 Q. Those people would really have damages,

1 wouldn't they?

2 A. Right.

3 Q. And you want to represent those people,
4 right?

5 A. I want to represent the class, whoever
6 signed up for this product.

7 Q. Well, isn't it fair to say that that
8 kind of customer who suffered identity theft
9 that really could have been prevented by
10 Truelink, that they suffered more damages than
11 somebody who never was a victim of identity
12 theft?

13 A. I think it would have to be determined
14 individual case by case.

15 Q. Do you recall answering written
16 questions that were posed to you and your
17 lawyers by Truelink in this case?

18 A. Right, my wife helped me with those.

19 Q. Okay, so you do recall it?

20 A. Yeah.

21 Q. Okay. How did your wife help you?

22 A. Well, she, like I said before, she
23 handled most of this.

24 Q. Did she actually answer the
25 interrogatories for you?

1 A. Yes.

2 Q. Okay. And then did she send them to
3 the lawyers after she wrote the answers?

4 A. Yeah, I think so. Yeah.

5 Q. Did you look at the answers before they
6 were sent to the lawyers?

7 A. Yeah, I looked them over.

8 Q. Did you make any changes to them?

9 A. No.

10 Q. Did you look them over before they were
11 sent to the lawyers or just after they were sent
12 to the lawyers?

13 A. I don't remember.

14 (Millett Exhibit 6 was marked for
15 identification by the reporter.)

16 Q. (BY MR. O'NEIL) Whose decision was it
17 to have your wife write the interrogatory
18 responses rather than you?

19 A. I don't know who -- I don't know who
20 came up with the idea.

21 Q. Was it you, Mr. Millett?

22 A. Well, she knows more, she was doing
23 this on my behalf.

24 Q. Was it you that came up with the idea
25 that your wife should be writing the answers

1 that were directed to you?

2 A. I don't remember.

3 Q. Did she tell you that this was the
4 plan? Did she tell you that -- well, strike
5 that.

6 How did you first learn that there were
7 questions directed to you in this case?

8 A. Through the interrogatories.

9 Q. Right. Fancy word for questions. How
10 did you learn that Truelink had asked you to
11 answer interrogatories?

12 A. I guess through my lawyers.

13 Q. And did you understand that the
14 questions were directed not at both you and your
15 wife, and not at your wife, but at you?

16 A. Right.

17 Q. Okay. So, when it was decided by
18 somebody we don't know that actually your wife
19 would be writing the interrogatory answers, did
20 you say, well, wait a minute, I understand that
21 they're directed at me, so maybe I should be
22 writing them?

23 A. I don't know how to answer that.

24 Q. Do you want me to have the question
25 reread for you?

1 A. Yes. Yes, sir.

2 MR. O'NEIL: Could you please
3 read the question back for Mr. Millett?

4 (Whereupon, the requested portion
5 of the record was read by the reporter.)

6 Q. (BY MR. O'NEIL) Did you say that?

7 A. I -- yeah, I guess so.

8 Q. And what was your wife's response?

9 A. I think she said that she could write
10 them down for me on my behalf.

11 Q. Did she ever tell you that the lawyers
12 wanted it to be done that way?

13 A. No. She never -- she never told me
14 that. I don't think so.

15 Q. In retrospect as you sit here today, do
16 you wish that you hadn't been involved in all
17 these lawsuits?

18 MR. CLOON: I'm going to object
19 on the grounds of relevance.

20 Q. (BY MR. O'NEIL) You can answer.

21 A. Well, I feel like I didn't have a
22 choice.

23 Q. Why didn't you have a choice?

24 A. Because this is the only way I can do
25 something about this.

1 Q. Is it because your wife insisted that
2 you be involved in these lawsuits?

3 A. No, we agreed together.

4 Q. But you didn't think you had a choice?

5 A. I mean, I didn't have a choice that I
6 had to dispute this stuff, and this is the only
7 way I -- this was the only route or access I
8 could go through. We tried the government, we
9 tried everybody.

10 Q. So, someone told you the only way that
11 you could get Mr. Perez to stop using your
12 Social Security number was to sue Equifax,
13 Experian, Trans Union, Truelink, Bank of America
14 and Ford Motor Credit? Is that what you were
15 told?

16 A. Could you repeat the question, please?

17 MR. O'NEIL: Could the court
18 reporter repeat that question for Mr. Millett,
19 please?

20 (Whereupon, the requested portion
21 of the record was read by the reporter.)

22 A. I was -- that's not what I was told,
23 that's what I believe.

24 Q. (BY MR. O'NEIL) Did you ever share that
25 belief with anybody?

1 A. That's -- I think maybe my wife.

2 Q. And did she tell you that even if you
3 won all those cases, because you weren't suing
4 Mr. Perez, the Court couldn't direct Mr. Perez
5 to stop using your Social Security number?

6 THE WITNESS: Could you repeat
7 the question, please?

8 (Whereupon, the requested portion
9 of the record was read by the reporter.)

10 A. My answer to that is if -- I feel that
11 if we change the system, then this won't happen
12 to somebody else.

13 Q. (BY MR. O'NEIL) Well, directing your
14 attention to Truelink, what changes in the
15 system do you want to make?

16 A. Well, you guys need to say what your
17 product does and does not do. It doesn't
18 protect against Social Security theft.

19 Q. Okay. So, if Truelink, assuming
20 Truelink didn't tell you that, if Truelink told
21 you that, then you think that somehow that would
22 have eliminated the possibility that Mr. Perez
23 would have misused your Social Security number?

24 THE WITNESS: Can you repeat the
25 question? I'm sorry.

1 A. Well, it's --

2 Q. Did you ask for a copy of it?

3 A. Well, yeah, but I mean, there's e-mails
4 and I just -- I never --

5 Q. Why couldn't you get a copy of it?

6 A. I just couldn't get a copy of it.

7 Q. Who did you ask?

8 A. I asked -- I asked the -- I asked my
9 wife if she had a copy.

10 Q. And what did she say?

11 A. She'd have to get an e-mail from Joyce
12 Yeager.

13 Q. But your wife wasn't able to obtain a
14 copy of this for you to review in advance of
15 your deposition?

16 A. No. I -- no.

17 Q. So, when did you see this document
18 then?

19 A. I think whenever the lawyers handed it
20 out, I think.

21 Q. Let me direct your attention to the
22 second page of this exhibit, Mr. Millett.

23 A. Second page.

24 Q. If you see Interrogatory No. 4 there,
25 sir. And it asks for some specific information

1 regarding each time that you visited the
2 website. Do you see that, sir?

3 A. Yes.

4 Q. And the response is, quote, begins,
5 quote, "My wife as my agent visited the Trans
6 Union website often," closed quote. Do you see
7 that, sir?

8 A. Yes, sir.

9 Q. And that's a sentence that your wife
10 wrote, right?

11 A. Right.

12 Q. Do you know what it means to describe
13 your wife as your agent?

14 A. She's working for my -- under my
15 behalf.

16 Q. Okay. And it says that she visited the
17 Trans Union website. And I'll represent to you
18 that there are, and we'll go through it in these
19 answers, there's references to Trans Union in
20 almost every answer. At the time that your wife
21 answered these interrogatories for you, you
22 weren't aware that you were suing Truelink,
23 right?

24 MR. CLOON: Objection. It's been
25 asked and answered on a variety of occasions.

1 He said he felt that those two companies were
2 the same and that Trans Union owned Truelink.

3 MR. O'NEIL: Do you want him to
4 repeat that answer back to me?

5 MR. CLOON: No. I just want to
6 make my statement for the record.

7 MR. O'NEIL: Okay.

8 MR. CLOON: Wasn't that his
9 earlier testimony?

10 MR. O'NEIL: No, not in response
11 to that question.

12 MR. CLOON: Your earlier question
13 was asked and answered, that was my objection.

14 MR. O'NEIL: You know what, let's
15 just move on.

16 Q. (BY MR. O'NEIL) At the time that your
17 wife answered these interrogatories for you --

18 MR. CLOON: All right, calm down.

19 Q. (BY MR. O'NEIL) -- you were not aware
20 that you had sued Truelink, correct?

21 MR. CLOON: Off the record.
22 Don't answer another question. We're going to
23 take a five-minute break. You're not going to
24 badger this poor man.

25 MR. O'NEIL: No, I don't want to

1 take a break. I'll withdraw the question, we'll
2 go on. Let's stay on the record. We're not
3 taking a break, let's move on.

4 MR. CLOON: You're not going to
5 badger this witness.

6 MR. O'NEIL: I'll withdraw -- I'm
7 not badgering the witness. I'm just asking him
8 to answer the question and not have you answer
9 the question. I'll withdraw it.

10 Q. (BY MR. O'NEIL) Let me direct your
11 attention, Mr. Millett, to Interrogatory No. 5,
12 which begins on the second page, and it
13 continues on and there's a final answer --
14 unfortunately, these pages are not numbered --
15 if you go to the fourth page, Mr. Millett.

16 A. From five? From Interrogatory 5?

17 Q. I'm sorry, the fourth page of the
18 document, sir. It says Interrogatory No. 6 in
19 the middle of it.

20 A. Okay.

21 Q. But there's an answer to Interrogatory
22 No. 5 right before it. Okay? Do you see that,
23 sir?

24 A. Yes, sir.

25 Q. It says: "My wife handles the

1 financial and household management affairs for
2 our family. She has disputed many accounts on
3 our behalf. We do not feel as if we know about
4 all of the accounts which should be closed. I
5 know that she had to close accounts which
6 appeared on the letter we got from Trans Union."

7 Do you see that, sir?

8 A. Yes.

9 Q. You don't have any information
10 regarding her disputing accounts, do you?

11 A. I mean, what do you mean?

12 Q. Okay. Well, I mean, what does it mean
13 to dispute an account? Do you have an
14 understanding of what that means?

15 A. That you're saying something's wrong.

16 Q. Okay. What accounts was your wife
17 disputing, if you know? Do you know?

18 A. You'd have to ask her.

19 Q. Some day maybe I will, but right now
20 I'm asking, do you have any idea what accounts
21 she was allegedly disputing?

22 A. I think the ones on that Trans Union
23 letter here.

24 Q. So, she was disputing the accounts that
25 were on Mr. Perez's file? Is that what you

1 mean? Or is that what you think?

2 A. I think she's disputing all these.

3 Q. Okay. I mean, are you guessing there
4 or do you know that?

5 MR. CLOON: For the record --

6 A. Yes.

7 MR. CLOON: -- the record the
8 reference was to the --

9 A. Yes, these are the accounts she was
10 closing.

11 Q. (BY MR. O'NEIL) Okay. She never
12 disputed accounts that were on your credit
13 report, did she?

14 A. Okay, repeat the question.

15 Q. Mrs. Millett never disputed accounts
16 that were on your credit report, did she?

17 A. I don't -- I don't remember.

18 Q. Okay. You don't recall seeing any
19 accounts on your credit report that you
20 disputed, do you?

21 A. That's right.

22 Q. Okay. Your interrogatory answer goes
23 on to say, quote, "I know that she had to close
24 accounts which appeared in the letter from Trans
25 Union," closed quote. Do you see, though, sir?

1 It's in the middle of that paragraph, quote, "I
2 know she had to close accounts which appeared in
3 the letter we got from Trans Union," closed
4 quote?

5 A. Right.

6 Q. Do you know that she actually closed
7 accounts?

8 A. I know she was trying to close
9 accounts. I don't know exactly if they got all
10 closed or everything. I mean...

11 Q. That's not what your interrogatory
12 response says though, is it?

13 A. That's right.

14 Q. Goes on to say, quote, "I know it took
15 her a lot of time to do that and that we spent a
16 lot of money to do that," closed quote. Do you
17 see that, sir?

18 A. Yes.

19 Q. You don't really have any knowledge of
20 that, though, do you?

21 A. I know she was on the phone a lot and I
22 shelled out \$12,000, so, that's correct.

23 Q. You shelled out \$12,000 to close
24 accounts?

25 A. No, I shelled \$12,000 to retain

1 lawyers.

2 Q. To do what?

3 A. To dispute this stuff.

4 Q. So, you hired lawyers to dispute the
5 accounts that Trans Union identified as relating
6 to Mr. Perez? Is that why you hired lawyers?

7 A. You're getting me confused, sir.

8 Q. Well, I'm just responding to your
9 questions. Because this talks about closing
10 accounts.

11 A. Right, and I said these accounts here.

12 Q. Okay. Fine. So, what I'm asking you
13 is, did you hire an attorney to help your wife
14 close the accounts held by Mr. Perez?

15 A. That's not the reason we hired an
16 attorney.

17 Q. Why did you hire an attorney?

18 A. To help us with this identity theft.

19 Q. The \$12,000, was that paid to
20 Mr. Adler?

21 A. Two thousand of it was.

22 Q. Who did you pay the other \$10,000 to?

23 A. To Mr. Grissom.

24 THE WITNESS: I was wondering if
25 I could take a break?

1 MR. O'NEIL: Sure.

2 VIDEOGRAPHER: We are now going
3 off the record at 1:46 PM.

4 (Recess.)

5 VIDEOGRAPHER: One moment please.
6 It is now 1:54 PM and we are back on the record.
7 You may continue.

8 Q. (BY MR. O'NEIL) Mr. Millett, do you
9 recall testifying this morning that you believed
10 you did see one of the e-mails that Truelink
11 sent to your wife?

12 A. I think so.

13 Q. And I think you said that it indicated
14 that everything was honky-dory. Do you remember
15 that?

16 A. Yes, sir.

17 Q. Okay.

18 (Millett Exhibit 7 was marked for
19 identification by the reporter.)

20 Q. (BY MR. O'NEIL) Let me show you what's
21 been marked Exhibit No. 7, which I'll represent
22 to you are some pages that were produced by your
23 lawyers in this case. And, for the record, it
24 seems to be an e-mail from True Credit sent on
25 October 5, 2003. Do you recall, is -- have you

1 Q. Okay. Let me just read the first
2 paragraph to you. It says, quote: "During the
3 last 30 days, no credit alerts have been
4 triggered by changes to your credit report.
5 This means you can have peace of mind knowing
6 that according to Trans Union, one of the three
7 national credit bureaus...", and then it lists
8 five statements there. Do you see that, sir?

9 A. Yes, sir.

10 Q. So, the e-mail that you described as
11 indicating everything was honky-dory, was that
12 an e-mail that indicated there were no credit
13 alerts on your file?

14 A. Yes, sir.

15 Q. Okay. So, Truelink further describes
16 what it means to not have any credit alerts. It
17 says: "One, no one has applied for credit in
18 your name; two, no one has opened an account in
19 your name; three, there were no lay payments
20 recorded on your credit report; four, there were
21 no bankruptcies or other public records posted
22 to your credit reports; and, five, no one has
23 changed your address with the credit bureaus."
24 Do you see that, sir?

25 A. Yes, sir.

1 Q. Do you have any reason to believe that
2 those five statements weren't accurate in
3 October of 2003?

4 A. Yeah. That would be accurate.

5 Q. So, is it fair to say that this e-mail
6 is describing changes, or the lack of changes,
7 in your credit report?

8 A. Yes.

9 Q. Nowhere on this e-mail does it say that
10 no one is using your Social Security number,
11 does it?

12 A. No.

13 Q. When you read this type of e-mail, were
14 you surprised that Truelink wasn't telling you
15 what Trans Union had previously told you, that
16 Mr. Perez had been using your Social Security
17 number?

18 A. I'd think there would be some kind of
19 alert.

20 Q. So, were you surprised when you didn't
21 get that alert from Truelink?

22 A. Yeah. If somebody's using my Social
23 Security number, I want to know about it.

24 Q. And you knew in October 2003 that
25 somebody had been using your Social Security

1 number?

2 A. Yeah, but it wasn't showing up on here.

3 Q. So, did you realize then that this
4 credit monitoring product is not going to tell
5 you about things that occur outside of your
6 credit report?

7 A. That's the conclusion I came to.

8 Q. And did you have a conversation with
9 your wife at that point about that fact?

10 A. Yeah, something along those lines,
11 yeah.

12 Q. Tell me about that conversation. What
13 did you tell -- what did you say to her when you
14 realized that just like Experian and Equifax,
15 Truelink wasn't going to be telling you as part
16 of their credit monitoring service that
17 Mr. Perez was using your Social Security number?

18 A. That's the basic conversation right
19 there.

20 Q. And what was your wife's response?

21 A. We didn't understand.

22 Q. So, did you suggest to her at that
23 point that you might as well cancel this
24 subscription?

25 A. I don't think we discussed that, no.

1 Q. Did you tell her, you know, Melody, I'm
2 thinking that maybe this credit monitoring
3 service only tells me about my credit report and
4 not Mr. Perez's credit report?

5 MR. CLOON: Object to form.
6 Leading and suggestive.

7 Q. (BY MR. O'NEIL) You can answer.

8 A. Can you repeat that, sir?

9 Q. Sure, I'll rephrase it. Did you
10 suggest to your wife that if what you say is
11 true, you were both mistaken in believing that
12 the credit monitoring service would alert you to
13 changes outside of your own credit report?

14 A. I think we were thinking that we'd see
15 something on my credit report that he's out
16 there charging stuff, that's what my assumption
17 was.

18 Q. And you never saw those?

19 A. Right. Correct.

20 Q. So, your assumption was wrong, right?

21 A. Right.

22 Q. And you knew that pretty early on,
23 didn't you?

24 A. We were just trying to compare
25 information between the three credit

1 monitorings.

2 Q. And they were all the same, no -- none
3 of those credit monitoring products by any of
4 those companies ever told you that Mr. Perez was
5 using your Social Security number; isn't that
6 correct?

7 A. Yes.

8 Q. Did you continue to believe, however,
9 that some day Truelink was going to provide that
10 information to you?

11 A. Well, they shouldn't -- they shouldn't
12 advertise that they'd protect me from identity
13 theft, they just protect with name theft and
14 credit card.

15 MR. O'NEIL: Could you restate
16 the question for Mr. Millett? I'll ask you to
17 answer the question.

18 (Whereupon, the requested portion
19 of the record was read by the reporter.)

20 A. Through their credit monitoring?

21 Q. (BY MR. O'NEIL) Yes.

22 A. No.

23 Q. You realized you weren't going to get
24 that information through any credit monitoring
25 service, right?

1 A. Okay.

2 Q. Is it your belief, and I'm asking you
3 as you sit here today under oath, is it your
4 belief that you could not get credit because of
5 the conduct of Truelink as alleged in your
6 complaint?

7 A. I'd have to answer it's a mixture of
8 things.

9 Q. So, it's you couldn't get credit
10 because of things other than the conduct of
11 Truelink?

12 A. I'd say it's all one big mess.

13 Q. What conduct of Truelink made it
14 impossible for you to get credit?

15 A. I can't -- I don't know. I can't
16 answer that.

17 Q. Were you ever denied credit?

18 A. I couldn't get some credit cards I
19 think.

20 Q. You think? What credit cards could you
21 not get?

22 A. I can't remember specifically which
23 ones they were.

24 Q. Was this prior to August of 2003 that
25 you couldn't get credit?

1 A. I don't remember when.

2 Q. What conduct of Truelink contributed to
3 you not being able to get a credit card?

4 A. I don't know.

5 Q. Your answer also says, "We had to pay
6 extra money for insurance, too." What insurance
7 did you have to pay extra money for?

8 A. I think, I can't remember if it was All
9 State.

10 Q. What kind of insurance is that, sir?

11 A. It's for the cars and the house.

12 Q. Okay. And why couldn't -- why did you
13 have to pay extra money for insurance with All
14 State?

15 A. Because my credit score wasn't as high
16 as it should be.

17 Q. Okay. And was that because you didn't
18 have many credit accounts?

19 A. No, I believe because of this Abundio.

20 Q. Do you have any evidence of that,
21 Mr. Millett?

22 A. No, that's what I believe.

23 Q. What's the reason why you believe that
24 Mr. Perez's conduct made your All State
25 insurance more expensive?

1 A. Because I feel like he lowered my
2 credit score because he's out there charging
3 stuff.

4 Q. Is that your complete answer?

5 A. Yeah, I guess so. Yeah.

6 Q. Do you think the conduct of Truelink
7 somehow contributed to --

8 A. I don't know.

9 Q. Let me finish my question. Do you
10 think that the conduct of Truelink made your All
11 State insurance more expensive?

12 A. I don't know. I can't answer that.

13 Q. Well, actually, you did answer it and
14 you said, yes. You said that, yes, conduct of
15 Truelink made you have to spend a lot more money
16 to get insurance. Are you withdrawing that
17 statement now, sir?

18 A. I think it all contributed.

19 Q. You also state that you had to borrow
20 money for your home from the family trust. Do
21 you see that, sir?

22 A. Yes, sir.

23 Q. Was the alleged failure of Truelink to
24 deliver a credit monitoring product that you
25 think they promised somehow require you to

1 borrow money from a family trust?

2 A. Can you repeat the question?

3 Q. Do you think that somehow Truelink's
4 alleged failure to deliver a credit monitoring
5 product that it allegedly promised, somehow
6 required you to borrow money from your family
7 trust?

8 A. I'd say yeah.

9 Q. And how did that -- why do you think
10 that those two things are connected?

11 A. I think it's all connected.

12 Q. Sir, I'm not asking about all. I'm
13 asking about the conduct alleged by Truelink.
14 The failure of Truelink to deliver the product
15 that you think it promised, how did that
16 contribute to you having to spend -- you having
17 to borrow money from a family trust?

18 A. Because I couldn't get a mortgage rate.

19 Q. And you think that that was because of
20 some conduct by Truelink?

21 A. I can answer it this way, I think it's
22 -- I think so, yeah.

23 Q. Okay.

24 MR. O'NEIL: We apparently have
25 to change the tape, so let's go off the record.

1 VIDEOPHOTOGRAPHER: We are now going
2 off the record at 2:15 PM.

3 (Recess.)

4 VIDEOPHOTOGRAPHER: It is now 2:17 PM
5 and we are back on the record. You may
6 continue.

7 MR. CLOON: For the record, I
8 have a statement. Off the record, I advised
9 counsel that we have amended or supplemented
10 these answers to Interrogatories 7, 8, 9 and 10,
11 and basically withdrew the damages as set out in
12 the original answer to Interrogatories 7, 8, 9
13 and 10. But if you wish to inquire, I'm going
14 to object that it's no longer relevant to that
15 line of questioning.

16 MR. O'NEIL: Well, I don't want
17 to get into debate, but you did mischaracterize
18 the supplement to the interrogatory responses,
19 and I sure as hell don't want to waste
20 Mr. Millett's time having you and I debate the
21 relevance of this line of questioning. Your
22 relevance objection is noted, and we'll just
23 move on.

24 MR. CLOON: Thank you.

25 Q. (BY MR. O'NEIL) Mr. Millett, that same

1 that Mr. Perez has been misusing your Social
2 Security number, right?

3 A. Yes, sir.

4 Q. You're not stressed out because you
5 misunderstood what the Truelink product was
6 going to deliver to you, are you?

7 A. I'm not happy about any of this.

8 Q. I understand you're not happy about the
9 Truelink product. But did your unhappiness
10 about the Truelink product create you so much
11 stress that it created physical affects from the
12 stress?

13 A. I'd say yeah.

14 Q. Okay. Are you able to separate out the
15 physical affects of the stress caused by
16 Truelink from the stress caused by Experian,
17 Equifax, Mr. Perez? Are you able to distinguish
18 that?

19 A. I mean, it's all stress to me. I
20 mean...

21 Q. Yeah. It's hard for you to separate
22 out, right?

23 A. Yes, sir.

24 Q. Yeah. Is it fair to say that Mr. Perez
25 has caused you a lot more stress than Truelink?

1 in these lawsuits?

2 A. I've told her I haven't been happy with
3 all this.

4 Q. With the lawsuits?

5 A. With the lawsuits.

6 Q. But you didn't feel like you could tell
7 her that you'd like to stop the lawsuits, right?

8 A. That's -- that, I don't feel that's an
9 option.

10 Q. That's why you felt that you couldn't
11 tell her that, right?

12 A. Well, yeah.

13 Q. A few pages later, Mr. Millett, there's
14 a page that has Interrogatory No. 14 on it. Do
15 you see that, sir?

16 A. Yes, sir.

17 Q. And up above, there's an answer to the
18 prior interrogatory. Do you see that?

19 A. Yes.

20 Q. And your answer is, "I delegated these
21 matters to my wife who handles the finances for
22 our family." Right? Do you see that?

23 A. Yes.

24 Q. It goes on to say, "She has a lot more
25 information about this." Right?

1 A. Yes.

2 Q. But it was Mrs. Millett who was
3 providing these interrogatory responses, wasn't
4 it?

5 A. She was helping me.

6 Q. Oh, she's helping you now? When she
7 was helping you, did you say, well, rather than
8 saying that you have a lot more information, why
9 don't we just give it to them? Did you suggest
10 that to your wife?

11 A. I don't understand the question.

12 Q. Well, you told us earlier that your
13 wife wrote the responses. Do you recall that?

14 A. Right.

15 Q. Okay. But now you're kind of stepping
16 back from that and now you're kind of saying
17 that she helped you, right?

18 A. You got me all confused.

19 Q. Okay. Who wrote the responses?

20 A. My wife did.

21 Q. Okay. And when you reviewed them, did
22 you read them? Did you read each response?

23 A. Yes.

24 Q. And when you read this one, my question
25 is, did you wonder since she's providing the

1 dismissed came through lawyers in Georgia. So,
2 why are you entitled to ask him any of that?

3 MR. O'NEIL: I don't think I've
4 ever asked him one question about discussions
5 with lawyers, regardless of where they live.
6 I'm asking about his belief, his understanding,
7 his decision making in deciding to dismiss the
8 claims against Equifax.

9 MR. CLOON: Okay.

10 MR. O'NEIL: Given that those
11 claims are identical to the claims against
12 Truelink, I think it's relevant. And given that
13 he wants to represent millions of people in a
14 case against Truelink, I think it's relevant.

15 Q. (BY MR. O'NEIL) I don't want you to
16 tell me anything that you know solely because
17 your attorneys told you. Okay? And if you're
18 going to tell me that it was your lawyers who
19 made the decision to settle the case, then fine,
20 tell me that and we'll move on.

21 But to the extent that you decided to
22 accept whatever settlement Equifax offered you,
23 dismiss your claims, not get anything for the
24 class, I'd like to understand what those reasons
25 are.

1 MR. CLOON: I'm going to object
2 to the form of that question. It misstates the
3 facts.

4 MR. O'NEIL: I would love to have
5 you prove me wrong on that one.

6 MR. CLOON: If you get the
7 consent, I think we can.

8 MR. O'NEIL: Why don't you try to
9 get the consent so you can prove me wrong?

10 MR. CLOON: Why would I want to
11 do that?

12 MR. O'NEIL: Yeah, good point.
13 You can't have it both ways. You can't say it
14 misstates the facts and then make no effort to
15 prove that I'm misstating the facts.

16 MR. CLOON: I'm just clarifying
17 the record, Mike.

18 MR. O'NEIL: Fair enough.

19 Q. (BY MR. O'NEIL) Do you have any idea
20 why you decided to dismiss the case against
21 Equifax? Just yes or no.

22 A. I don't know if I can answer that.

23 Q. It's -- the question is, and if you
24 can't answer it, Mr. Cloon will surely jump in.
25 It's a yes or no answer. Do you have any idea

1 why you decided to dismiss your claims against
2 Equifax?

3 A. That's what they came up with.

4 Q. Who's "they"?

5 A. My lawyers.

6 Q. Is this another situation where you
7 felt like you didn't -- you couldn't disagree?

8 A. I don't -- can -- I'm not understanding
9 you.

10 Q. Well, earlier I asked you about the
11 hassles of the litigation and how you really
12 wished in retrospect that all this litigation
13 wasn't going on and it was consuming all of your
14 time and creating all this stress. Do you
15 recall that conversation?

16 A. Yes.

17 Q. And you said but you felt like you
18 couldn't change the decision. Do you recall
19 that, sir?

20 A. Yes.

21 Q. Okay. So, when your lawyers suggested
22 that you settle with Equifax, was it another
23 situation where you felt like you couldn't
24 change the decision?

25 MR. CLOON: I'm going to object

1 to that. I don't even see any of the relevance
2 to the issues in this case.

3 Q. (BY MR. O'NEIL) You can answer.

4 A. That's -- that's -- I mean, they're my
5 lawyers. They say that's what I should do,
6 that's -- then I should strongly do that.
7 That's the way I believe.

8 MR. O'NEIL: Let's take a short
9 break, I think I'm just about done.

10 THE WITNESS: Okay.

11 MR. O'NEIL: Just go over my
12 notes.

13 VIDEOGRAPHER: We are now going
14 off the record at 2:48 PM.

15 (Recess.)

16 VIDEOGRAPHER: It is 2:55 PM and
17 we are back on the record. You may continue.

18 Q. (BY MR. O'NEIL) Mr. Millett, do you
19 have, do you and your wife have an agreement
20 with your lawyers regarding the payment of their
21 fees in the Truelink case?

22 A. I think we do.

23 Q. Okay. Have you ever seen it?

24 A. I don't remember it. No.

25 Q. Did you ever sign, sign it?

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

STEVEN G. MILLETT and)
MELODY J. MILLETT,)
)
Plaintiffs,)
vs.) No. 04-2450-CM
)
FORD MOTOR CREDIT COMPANY,)
)
Defendant.)

VIDEOTAPED DEPOSITION OF STEVEN G. MILLETT,
produced, sworn and examined on Wednesday, the 28th day
of September, 2005, between the hours of 8 a.m. and 6
p.m. of said day, at the law offices of Yeager Law Firm,
7270 West 98th Terrace, Building 7, Suite 220, Overland
Park, Kansas, before:

DEANNA KERR,

Notary Public within and for the State of Kansas, in a
certain cause now pending in the United States District
Court for the District of Kansas, wherein STEVEN G.
MILLETT and MELODY J. MILLETT are Plaintiffs and FORD
MOTOR CREDIT COMPANY is Defendant.

Taken on behalf of the Defendant.

A P P E A R A N C E S:

For the Plaintiffs:

Ms. B. Joyce Yeager
YEAGER LAW FIRM, LLC
7270 West 98th Terrace, Suite 220
Overland Park, Kansas 66212

For the Defendant:

Mr. Jeffrey A. Befort
STINSON MORRISON HECKER, LLP
1201 Walnut, Suite 2600
Kansas City, Missouri 64106

Also Present: Ms. Melody J. Millett
Mr. Brian Cain,
TBC Video Technician

1 Q. Just to follow up and finish off the response with
2 respect to the damages interrogatory, other than
3 what's listed in response to Interrogatory No. 5 and
4 your testimony here today, are you aware of any
5 other way that you've been damaged by Ford Credit in
6 this case?

7 A. Just monetary or?

8 Q. Yes, just monetarily.

9 A. No, sir.

10 Q. Now, setting aside the monetary, is there some other
11 way that you feel Ford Credit has damaged you in
12 this case other than monetary?

13 A. I don't want to be associated with somebody using my
14 Social Security number and buying things and buying
15 cars and whatever he wants to buy and I could be
16 liable for his debt.

17 Q. Is it your understanding just because he uses your
18 Social Security number that you're liable for that
19 debt?

20 A. Yes.

21 Q. In what way?

22 A. Well, Ford Motor talked to my wife trying to collect
23 on two cars I believe.

24 Q. We can talk about that later. With respect to
25 responsibility for debt, do you understand that in

1 order for you to be responsible for a debt you need
2 to actually sign up for that debt?

3 MS. YEAGER: Objection. Calls for a
4 legal conclusion.

5 Q. (By Mr. Befort) Did anybody at Ford Motor Credit
6 Company ever tell you that you, Steven Millett, were
7 responsible for a debt that you didn't sign up for?

8 A. Anybody at Ford Motor, no, sir.

9 Q. That's all the questions I have.

10 EXAMINATION BY MS. YEAGER:

11 Q. Do you know what a trust corpus is?

12 A. No.

13 Q. Is there -- do you know where the money that was
14 lent -- okay. You financed a house through the
15 trust; is that correct?

16 A. Yes.

17 Q. And is that money that was used to purchase the
18 house available to earn interest for the trust?

19 A. I don't know how my parents have their trust set up
20 so I can't answer that.

21 Q. That's fine. Did you want Ford Motor Credit to
22 delete the trade lines that Abundio Perez had which
23 were reported with your Social Security number?

24 A. Can you restate the question?

25 Q. Did you want Ford Motor Credit to delete Abundio

1 Perez' trade lines?

2 A. I wanted them to remove my Social Security number
3 from his report.

4 Q. And why did you want that to happen?

5 A. Because I don't want to be associated with this
6 person.

7 Q. Is it your understanding that there are legal
8 consequences because you're associated with him?

9 A. To my best -- yes, to my understanding, yes.

10 Q. Did you understand that there are financial
11 consequences to being associated with him?

12 A. Could be, yes.

13 Q. That's all I have.

14 MR. BEFORT: No further questions.

15 * * * * *

16

17

18 _____
 STEVEN G. MILLETT

19

20 Subscribed and sworn to before me this _____ day of
21 _____, 20____.

22

23 _____
 Notary Public

24 IN RE: MILLETT VS. FORD MOTOR CREDIT

25